

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

RECD 24 JAN 2006

WIPO

PCT

Applicant's or agent's file reference M/ME/300567WO	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU2003/001274	International Filing Date (day/month/year) 26 September 2003	Priority Date (day/month/year) 26 September 2003
International Patent Classification (IPC) or national classification and IPC  Int. Cl. A47C 19/00 (2006.01) A47C 27/05 (2006.01) A47C 31/12 (2006.01) A47C 19/02 (2006.01) A47C 27/12 (2006.01) A47C 31/12 (2006.01) A47C 27/00 (2006.01) A47C 27/14 (2006.01) A47C 27/04 (2006.01) A47C 27/22 (2006.01)		
Applicant PIRAINO, Mario Cladinoro		

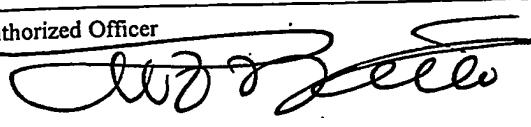
1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 26 April 2005	Date of completion of the report 13 January 2006
Name and mailing address of the IPEA/AU  AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer   G.B. NATH Telephone No. (02) 6283 2126

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

**International application No.**

PCT/AU2003/001274

## I. Basis of the report

1. With regard to the elements of the international application:
    - the international application as originally filed.
    - the description,    pages ,    as originally filed,  
                              pages ,    filed with the demand,  
                              pages ,    received on    with the letter of
    - the claims,        pages ,    as originally filed,  
                              pages ,    as amended (together with any statement) under Article 19,  
                              pages ,    filed with the demand,  
                              pages ,    received on    with the letter of
    - the drawings,      pages ,    as originally filed,  
                              pages ,    filed with the demand,  
                              pages ,    received on    with the letter of
    - the sequence listing part of the description:  
                              pages ,    as originally filed  
                              pages ,    filed with the demand  
                              pages ,    received on    with the letter of
  2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language which is:
    - the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
    - the language of publication of the international application (under Rule 48.3(b)).
    - the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
  3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
    - contained in the international application in written form.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority in written form.
    - furnished subsequently to this Authority in computer readable form.
    - The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
    - The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
  4.  The amendments have resulted in the cancellation of:
    - the description,        pages
    - the claims,            Nos.
    - the drawings,          sheets/fig.
  5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report**

**IV. Lack of unity of invention**

1. In response to the invitation to restrict or pay additional fees the applicant has:
- restricted the claims.
  - paid additional fees.
  - paid additional fees under protest.
  - neither restricted nor paid additional fees.
2.  This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- complied with.
- not complied with for the following reasons:

The international application does not comply with the requirements of unity of invention because it does not relate to one invention or to a group of inventions so linked as to form a single general inventive concept. In coming to this conclusion the International Searching Authority has found that there are three inventions:

1. Claim groups 1-12, 13-24, 25-34 are directed to a support base for a bed mattress including an adjustable support means for selectively adjusting a portion of the mattress out of the plane of extension of the adjacent remainder of the mattress (see independent claims 1, 13, 25). The aspect of the portions of the support base being able to rotate relative to one another is considered to comprise a "first special technical feature".
2. Claims 35-40 are directed to a support base for a bed mattress having a plurality of transverse elongate cams for supporting the said mattress and adjustment means for the cams which is considered to comprise a "second separate special technical feature".
3. Claims 41-42 are directed to a customised bed and mattress structure to suit the requirements of individual user's musculoskeletal conditions as defined in the independent claim 41 and is considered to constitute a "third separate special technical feature".

Since the above mentioned group of claims do not share either of the technical features identified, a "technical relationship" between the inventions as defined in PCT rule 13.2 does not exist. Accordingly the international application does not relate to one invention or to a single inventive concept.

The International Search Report has been established covering the Claims 1-34 only.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- all parts.
- the parts relating to claims Nos. 1-34

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims 13-24, 25-34	YES
	Claims 1-12	NO
Inventive step (IS)	Claims 13-24, 25-34	YES
	Claims 1-12	NO
Industrial applicability (IA)	Claims 1-34	YES
	Claims None	NO

**2. Citations and explanations (Rule 70.7)**

Documents:

D1: US 6088853 A (JANSEN), 18 July 2000

D2: EP 1201164 A (SIDDALL AND HAMILTON LTD.), 2 May 2002

D3: WO 2001/070163 A (HILL-ROM SERVICES, INC.), 27 September 2001

D4: EP 374742 B1 (DI BLASI), 5 October 1994

D5: FR 2755358 A (ONIRIS SA (FR)), 7 May 1998

D6: CA 2146706 A (ROSSDEUTSCHER), 11 October 1996

D7: WO 2002015750 A (PIRAINO), 28 February 2002

D8: EP 103807 B1 (HOLLMANN), 28 March 1984

**2.1 Novelty (N) and Inventive Step (IS):**

D4, D7 and D8 constitute the most relevant documents cited in the International Search Report. D4 discloses all the features of the claims 1-9 (see in particular the figures and lines 26-38, column 6) and thus renders the claims not novel and not inventive. D4 when read in conjunction with D7 takes away the inventive step of the claims 10-12.

D7 takes away the novelty and inventive step of claims 1-4, 6, 8, 10-12 as all the features of these claims are disclosed by it. See figure 6 in particular which discloses the special features of claim 6. The special features of claims 5, 7 and 9 are disclosed in D4 where powered means are employed to raise or lower the individual slats of the bed. Thus claims 5, 7 and 9 are considered to lack an inventive step when the teachings of D4 and D7 are combined.

Similarly, D8 takes away both the novelty and inventive of the claims 1-4, 6 and 8 and inventive step of the claims 5, 7, 9, 10-12 when combined with the teachings of D4 and D7.

However, none of the documents D1-D8 either individually or in combination disclose the special characterising features of the independent claim 13 (differential displacement member etc; see line 21, page 18) or of the independent claim 25 thus making them both novel and inventive.

**2.2 All the claims conform to the criteria of Industrial Applicability**

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001274

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 7 appends to itself; there is an apparent typographical error.

DESI, AVAILABLE COPY